

STATE OF MICHIGAN
IN THE TENTH JUDICIAL CIRCUIT, FAMILY DIVISION

MELISSA JAYNE CALICE,

Plaintiff,

v

File No. 12-017215-DZ-1

RICHARD ANTHONY CALICE, JR.,

Defendant.



FINDINGS AND ORDER
RE: CUSTODY, PARENTING TIME, CHILD SUPPORT AND CREDIT, AND DIVORCE
ADJUSTMENT PROGRAM

AT A SESSION OF SAID COURT, HELD AT THE COURTHOUSE,
IN THE CITY OF SAGINAW, COUNTY OF SAGINAW, AND
STATE OF MICHIGAN, THIS 14 DAY OF November, 2012.

Present: HONORABLE FRED L. BORCHARD, CIRCUIT JUDGE

FINDINGS OF FACILITATOR

Based on the evidence presented by the parties or otherwise obtained, the following Findings are submitted to the Court.

1. The parties were married on August 6, 2005 and lived apart from October 2009 – October 2011 with Melissa and the children in Michigan. Melissa moved to Maryland October 5, 2011 with the children to work on saving her marriage. She apparently decided that the marriage was not salvageable, and moved back to Michigan in August 2012, on pretense of taking a vacation to visit relatives.
2. Melissa filed a Complaint for Separated Maintenance on August 13, 2012 in the State of Michigan and the action was amended to a Divorce with Minor Children.
3. The parties have two children together, Rocco, age 5 and Amelia, age 4.
4. Conciliation was held on November 7, 2012. Present at Conciliation: Plaintiff, Plaintiff's Attorney, Timothy R. McLeod, and Defendant's Attorney, Thomas J. Demetriou. Defendant resides in Hunt Valley, Maryland and did not attend.

5. Melissa is a MSW and is currently employed with North Saginaw Charter Academy earning approximately \$27,878.00 per year. She was making \$42,000 per year in Maryland. Her higher income is imputed to her.
6. Richard is employed with FEI.com Inc. His W2 income and his gross profits listed on his schedule C for the last three years is as follows:

2010: \$121,000; 2011 \$127,058; and 2012 projected \$136,055. Average: \$128,028 year (W2)
2010: 22,819 2011 \$ 28,485; and 2012 projected \$ 63,000. Average: \$ 38,100 year (GP)
7. Richard had provided Melissa with \$800.00 per week thru September 10, 2012. Therefore two weeks credit will be given in the amount of \$1600.00 (\$800 on 3rd and \$800 on the 10th)
8. Based on the standard schedule, or 90 overnights, the MCSF recommends child support in the amount of \$1998.00 per month.
9. Alimony was requested in the pleadings, however, was not referred. For information purposes, the Craig Ross Marginsoft program suggests and arguable case for alimony and recommends \$1,012 per month for 2.1 to 3 years.
10. There have been ongoing problems with parenting time in that Mr. Demetriou states Richard is being audio/video taped while on the phone with the children, has been interrupted during his phone conversations and has been informed by the children as to their needs rather than directly by Melissa and has had his calls/skype abruptly terminated by Melissa.

THE FOLLOWING SHALL BE THE ORDER OF THE COURT:

CUSTODY

The parties shall have joint legal custody of the minor children Rocco Jefferson Calice (born 10/27/06) and Amelia Jayne Calice (born 04/25/08) with temporary physical custody to Melissa.

Custody and Parenting time has already been referred to Jill Hogenson by prior order of the court.

PARENTING TIME

Parenting time shall occur as the parties agree, however, if they do not agree, the parties shall follow the Saginaw County Friend of the Court Standard Parenting Time Schedule 2010 (long distance), except for the modifications made during the fall/winter 2012 by previous court order. Neither party will audio/video tape the other's conversations with the children, nor will they use the children as intermediaries in communication their needs to the other. Neither party shall, without just cause, abruptly terminate or limit the other's communication with the children.

DOMICILE OF THE MINOR CHILDREN

A parent whose custody or parenting time of a child is governed by this order shall not change the legal residence of the child except in compliance with section 11 of the Child Custody Act of 1970, 1970 PA 91, MCL 722.31 to a location that is more than 100 miles from the child's legal residence at the time of the commencement of the action in which the order is issued

The custodial parent shall notify the Office of the Friend of the Court promptly concerning any changes of address of the minor children and that in no event shall the domicile of the said minor children be changed outside of the State of Michigan without the prior approval of the Court.

MONTHLY CHILD SUPPORT, C/S CREDIT, AND OTHER STATUTORY PROVISIONS

The Uniform Child Support Order is attached and incorporated by reference. All pertinent state statutory provisions regarding child support, child support collecting, and health insurance are incorporated herein.

IT IS FURTHER ORDERED that child support in the amount of \$ 1998.00 shall be effective September 1, 2012. All support payments shall be made through the State Disbursement Unit (MiSDU), P.O. Box 30350, Lansing, MI 48909-7850. Credit will be given in the amount of \$1600 for direct payments made on September 3 and 10th.

IT IS FURTHER ORDERED that both parties must notify the Saginaw County Friend of the Court immediately, in writing, of any changes in the school status of any child after that child's 18th birthday, or of any changes in a child's residence at any time child support is effective. Failure to cooperate may result in an order for reimbursement by the child's custodian to the non-custodian for any overpayment of child support.

DIVORCE ADJUSTMENT PROGRAMS

Plaintiff and Defendant* shall attend the SMILE Program at Westlund Clinic, 3253 Congress Avenue, Saginaw, MI, (989) 793-4790.

Should a party fail to attend the program, the other party shall not be prohibited from proceeding to proofs and obtaining a signed Judgment of Divorce provided that he/she has attended. However, the non-attending party shall be found in contempt and assessed a \$150.00 fine in addition to \$150.00 court costs for a total of \$300.00.

Defendant may attend a course in Maryland instead, and shall provide a signed copy of his attendance at a Divorce Adjustment Class to the court for filing.

RETROACTIVE CORRECTION OF SUPPORT

IT IS ORDERED that the amount of support stated above is based upon the income disclosed by each party to the Facilitator at the hearing and, if either party knowingly and intentionally failed to report, refused to report, or knowingly misrepresented that income at the hearing, then the other party may file a petition for retroactive correction of the support amount as provided by MCL 552.603b.

ENFORCEMENT OF UNINSURED HEALTH CARE COSTS

IT IS ALSO ORDERED that Uninsured Health Care Costs will be enforced through the Saginaw County Friend of the Court.

IT IS FURTHER ORDERED that, if either party desires reimbursement from the other party for payment of uninsured health care costs under the foregoing provision, then that party shall:

1. Within 28 days after insurance coverage has paid it's share of the expense, send a copy of the health care bills(s) showing the uninsured portion to the other party with a demand for payment.
2. Submit a complaint to the Saginaw County Friend of the Court within one year of the date the expense was incurred (excepting delays in obtaining insurance coverage or when the parties have an agreement and one party defaults on the agreement). When the complaint is filed, the Friend of the Court shall submit the complaint to the other party and, if an objection is not filed within 21 days, the amount will be added as a

medical support arrearage.

3. Follow such other procedure as may be established by the Saginaw County Friend of the Court.

IT IS FURTHER ORDERED that an order for dependent health care coverage takes effect immediately and notice will be sent to the parent's current and subsequent employer and insurer, if appropriate. Either party may contest the action by requesting a review concerning the availability of health care coverage at a reasonable cost.

ENTRY OF ORDER

NOW THEREFORE IT IS ORDERED that, pursuant to 2004 PA 210 and the Facilitator's recommendation, this Order is entered as a temporary order and shall become a final order 21 days after the date a copy of this Order is served upon each party. In the event either party objects to the entry of this Order and requests a de novo hearing as provided by statute and court rule, this Order shall remain in effect until the Court holds a final hearing. The party who requests a judicial hearing must serve the objection, state the reason(s) for the objection, with notice of hearing and an alternate proposed order, on the opposing party or counsel in the manner provided in MCR 2.602(B).

Objections must be filed with the Circuit Court Clerk's Office (located in the basement of the courthouse), not with the Friend of the Court Office.

A "de novo hearing" means a consideration of the matter based on the record, or evidence presented at the conciliation conference, including any memoranda, recommendations, or proposed orders by the Facilitator. Only at the Court's discretion will evidence that was not introduced at the conciliation conference be considered.

Dated: November 8, 2012


DENISE M. CLACK P40982

FRED L. BORCHARD P11003
Circuit Court Judge

Countersigned:

Deputy Clerk

STATE OF MICHIGAN
10TH JUDICIAL CIRCUIT
COURT, FAMILY DIVISION
SAGINAW COUNTY

CHILD SUPPORT RECOMMENDATION
AND ORDER

CASE NO.
2012-017215-DZ
HON. FRED L. BORCHARD

Saginaw Friend of the Court Address:
111 South Michigan Avenue Saginaw, MI 48602

Telephone No. (989) 790-5300
Fax No. (989) 791-3855

Plaintiff's name, address, and telephone no. MELISSA JAYNE CALICE 62 CORRAL SAGINAW, MI 48638
Plaintiff's attorney name, address, telephone no., and bar no. THOMAS D BURKHART P25509 820 N MICHIGAN AVE PO BOX 6055 SAGINAW, MI 486086055 (989) 753-4441
Plaintiff's source of income name NATIONAL HERITAGE ACADEMIES

V

Defendant's name, address, and telephone no. RICHARD ANTHONY CALICE 43 WINTERBERRY CT HUNT VALLEY, MD 21030
Defendant's attorney name, address, telephone no., and bar no.
Defendant's source of income name AVG 3 yr W2 <i>FEI.com inc.</i>

This order is entered after hearing.

The Friend of the Court/Referee recommends support be ordered as follows.

Attached are the calculations pursuant to MCL 552.505(1)(h) and MCL 552.517b.

IT IS ORDERED, UNLESS OTHERWISE ORDERED in item 15: ☐ Standard provisions have been modified (see item 15).

- The support obligation for a child continues through the end of the month of the later: 1) the child's 18th birthday, or 2) the last day of regularly attending high school full time with the reasonable expectation of graduating, as long as the child is residing full time with the recipient of support or at an institution, but under no circumstances shall the support obligation continue after the month that the child reaches age 19 1/2. Child care for a child continues through August 31 following that child's 12th birthday. The parties must notify each other of changes in child-care expenses and must additionally notify the Friend of the Court if the change ends those expenses.
- Income withholding takes immediate effect. Payments shall be made through the Michigan State Disbursement Unit unless otherwise ordered in item 15.
- Child Support.** The payer is ordered to pay a monthly child-support obligation as follows.

Payer: Richard Anthony Calice	Payee: Melissa Jayne Calice	Support effective date: 9/1/12
Children's names and birth dates: ROCCO JEFFERSON CALICE 10-17-2006 AMELIA JAYNE CALICE 04-25-2008		
Children supported:	1 child	2 children
Base support: (Includes support plus or minus premium adjustment for health-care insurance)	3 children	4 children
Support:	\$1,312.00	\$2,003.00
Premium adjust:	\$-49.00	\$-49.00
Subtotal:	\$1,263.00	\$1,954.00
Ordinary medical:	\$22.00	\$44.00
Child care:	\$0.00	\$0.00
Other:	\$0.00	\$0.00
SS benefit credit:	\$0.00	\$0.00
Total:	\$1,285.00	\$1,998.00
Support includes a parental time offset using 275 overnights for Melissa and 90 for Richard.		

4. **Insurance.** For the benefit of the children, [] Melissa Jayne Calice [X] Richard Anthony Calice shall maintain health-care coverage through an insurer (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is available at a reasonable cost, including coverage available as a benefit of employment or under an individual policy not to exceed 5% of Melissa Jayne Calice's/Richard Anthony Calice's gross income.
5. **Uninsured Health-Care Expenses.** All uninsured health-care expenses exceeding the annual ordinary medical amount will be paid 23% by Melissa Jayne Calice and 77% by Richard Anthony Calice. Uninsured expenses exceeding the annual ordinary medical amount for the year they are incurred that are not paid within 28 days of a written payment request may be enforced by the Friend of the Court.

The annual ordinary medical amount for Richard Anthony Calice paying Melissa Jayne Calice is \$345.00 for 1 child, \$690.00 for 2 children.
6. **Qualified Medical Support Order.** This order is a qualified medical support order with immediate effect pursuant to 29 USC 1169. To qualify this order, the Friend of the Court shall issue a notice to enroll pursuant to MCL 552.626b. A parent may contest the notice by requesting a review or hearing concerning availability of health care at a reasonable cost.
7. **Retroactive Modification, Surcharge for Past-Due Support, and Liens for Unpaid Support.** Except as provided by MCL 552.603, support is a judgment the date it is due and is not modifiable retroactively. A surcharge may be added to past-due support. Unpaid support is a lien by operation of law and the payer's property can be encumbered or seized if an arrearage accrues in an amount greater than the periodic support payments payable for two months under the payer's support order.
8. **Address, Employment Status, Health Insurance.** Both parties shall notify the Friend of the Court in writing of: a) their mailing and residential addresses and telephone numbers; b) the names, addresses, and telephone numbers of their sources of income; c) their health-maintenance or insurance companies, insurance coverage, persons insured, or contract numbers; d) their occupational or drivers' licenses; and e) their social security numbers unless exempt by law pursuant to MCL 552.603. Both parties shall notify the Friend of the Court in writing within 21 days of any change in this information. Failure to do so may result in a fee being imposed.
9. **Foster-Care Assignment.** When a child is placed in foster care, that child's support is assigned to the Department of Human Services while under the state's jurisdiction and to the funding county while placed in a county-funded program.
10. **Redirection and Abatement.** Subject to statutory procedures, the Friend of the Court: 1) may redirect support paid for a child to the person who is legally responsible for that child, or 2) shall abate support charges for a child who resides on a full-time basis with the payer of support.
11. **Fees.** The payer of support shall pay statutory and service fees as required by law.
12. **Review.** Each party to a support order may submit a written request to have the Friend of the Court review the order. The Friend of the Court is not required to act on more than one request received from a party each 36 months. A party may also file a motion to modify this support order.
13. **Prior Orders.** Except as changed in this order, prior provisions remain in effect. Support payable under any prior order is preserved. Any past-due support shall be paid in the amount calculated using the Michigan Child Support Formula.
14. **Deviation.** The support provisions ordered above follow the child-support formula. (If there is a deviation, state the amount and reasons for deviation in item 15.)
15. **Other: (Attach separate sheets as needed)**

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 3.203.

Investigator: Clackd

Guideline ID: 807639
11-08-2012

INCOME CALCULATIONS:

Melissa Jayne Calice

Tax Status: Head of
Household
Tax Exemptions: 3

Richard Anthony Calice

Tax Status: Single
Tax Exemptions: 1

Calculations for Richard Anthony Calice paying Melissa Jayne Calice

Monthly Income	Melissa	Richard	Monthly Ded/Adj	Melissa	Richard
Primary Earnings	\$3,500.00	\$10,669.00	Federal Income Tax	\$222.08	\$3,135.22
Self Employment	\$0.00	\$3,287.00	State Income Tax	\$112.01	\$593.67
			Social Security Tax	\$197.75	\$504.70
Gross Income	\$3,500.00	\$13,956.00	Total	\$531.84	\$4,233.59

P = Potential Income and Taxes/M = Manually Entered Figures

Incomes Comments: Melissa is currently making approximately \$27,878 in Saginaw. She was making \$42,000 a year in Maryland. Her higher income is imputed. Richard has made 121,000 in 2010, 127,058 in 2011 and 136,055 is estimated for 2012 for an average of 384,113 for three years or 10,669 per month based on 36 months. Richard also has Gross profit of \$22,819 for 2010 and 28,485 for 2011, his estimated 2012 based on the percentage of gross receipts to gross profits in the previous years would indicate gross profit of around 63,000 (which is only a guess). The average of those three years is 114,304 or 3,175 per month based on 36 months or \$38,100 per year average. These averages will be used. The Schedule C possibly has some income that may qualify as add back, however, the time for the hearing did not permit such a determination.

	Melissa	Richard
Monthly Gross Income	\$3,500.00	\$13,956.00
Monthly Deductions/Adjustments	\$531.84	\$4,233.59
Monthly Net Income	\$2,968.16	\$9,722.41

SUPPORT CALCULATIONS:

MCSF 3.02(A)

Children in common: 2

Children in common on the docket: 2

MCSF 3.02(B) - General Care Equation applies

Monthly Net Income		\$2,968.16	\$9,722.41
Family net Income	\$12,690.57		
General Care Table Amount		\$2,735.96	\$2,735.96
Percentage share (to the 100th percent)		23.39%	76.61%
Support calculated under the General Care Equation		\$640.00	\$2,096.00

	Melissa	Richard
BASE SUPPORT:	\$640.00	\$2,096.00

PARENTAL TIME OFFSET - MCSF 3.03

[MELISSA has child(ren) an average of 275 days.]

[RICHARD has child(ren) an average of 90 days.]

Parenting Time Offset Equation calculated amount:

\$0.00 \$2,003.00

PARENT'S PERCENTAGE SHARE OF FAMILY INCOME - MCSF 3.01(B)(2)

Monthly Gross Income		\$3,500.00	\$13,956.00
Monthly Deductions/Adjustments		\$531.84	\$4,233.59
Monthly Net Income		\$2,968.16	\$9,722.41
Family Net Income:	12,690.57		
Share of Net (to the nearest 10th)		23.4%	76.6%

ORDINARY MEDICAL EXPENSE OBLIGATIONS - MCSF 3.04(A)

Percentage of Health Care Obligations

23%

77%

MCSF 3.04(B)

Ordinary Medical Expenses: \$690.00 (total) for 2 children annually

Payer's monthly share

\$0.00

\$44.00

HEALTH CARE PREMIUM ALLOCATION - MCSF 3.05(C)

Insurance premiums

\$0.00

\$423.00

Number of individuals covered

0

4

Per capita amount (premium divided by individuals covered)

\$0.00

\$105.75

Children in common (CIC) in this case

2

Health care premium attributable to the children (per capita times CIC in this case)

\$0.00

\$211.50

Payer's percentage

23%

77%

Premium to be deducted from support obligation

\$0.00

\$49.00

TOTAL CALCULATED SUPPORT OBLIGATION:

\$0.00

\$1,998.00

OTHER PROVISIONS:

Fees/Other

\$0.00

\$3.50

TOTAL MONTHLY RECOMMENDED SUPPORT OBLIGATION (Actual Income),

\$0.00

\$2,001.50

imony Report For: Melissa Calice v Richard Calice
Case Number: 2012 017215

Prepared By:
Office:
Date: 11/8/2012

Case Score Summary

The Case Score on a Scale of 0 to 100 is: **33.78**

This Represents an Arguable Case For Alimony,
Income Differential Considerations May Merit Some Argument

Alimony Recommendations

Alimony Should Run For 2.1 Years
Assuming An Award, The Maximum Duration Is 3 Years.

Suggested Alimony Award

Recommended Alimony Is \$12,146 Per Year Or \$1,012 Per Month

Claimant

Gross Income	\$42,000
Alimony	\$12,146
State/Local Tax	-\$1,873
FICA/SE	-\$2,373
Federal Tax	-\$4,487
Tax Credits (except care credit)	+\$2,000
Child Support	\$23,976
Net Day Care Paid	-\$0
Health Ins Paid	-\$0
Net Income	<u>\$71,389</u>

Other Party

Gross Income	\$167,472
Alimony	-\$12,146
State/Local Tax	-\$6,596
FICA/SE	-\$7,537
Federal Tax	-\$34,074
Tax Credits (except care credit)	+\$0
Child Support	-\$23,976
Net Day Care Paid	-\$0
Health Ins Paid	-\$2,400
Net Income	<u>\$80,743</u>

Case Data

Years Of Marriage	= 7
Age Of Claimant	= 37
Claimant Ed/Skill	= 3
Number Of Children	= 2
Number Of Minors	= 2
- Av. Parenting Time -	
Claimant's Av. Nights	= 275.0
Other's Av. Nights	= 90.0
Claimant's % Of Nights	= 75.3%
Other's % Of Nights	= 24.7%

Claimant's Exemptions	= 3/2
Other's Exemptions	= 1/0

Claimant's File Status: HH
Other's File Status: S

Present Value

No Present Value Calc Requested

If there are no school-age children, then Spring break is defined as Easter Sunday at 10:00 a.m. until the following Sunday at 6:00 p.m. In odd numbered years, the Plaintiff's parenting time shall begin on Easter Sunday. In even numbered years, the Defendant's parenting time shall begin on Easter Sunday.

WHEN THE PARTIES LIVE OVER 100 MILES FROM EACH OTHER

1. From September through May the Plaintiff/~~Defendant~~ (circle one) shall have the minor child(ren) the second full weekend of every month, from 6:00 p.m. Friday until 6:00 p.m. Sunday.
2. Summer parenting time shall be defined as beginning the first Friday after school ends at 6:00 p.m. until the third Friday in August at 6:00 p.m. In even numbered years, Plaintiff shall have the minor child(ren) the first portion of the summer parenting time, which will begin the first Friday after school ends at 6:00 p.m., and continuing six weeks out, ending on Friday at 6:00 p.m. Defendant shall have the minor children(ren) the remaining portion of the summer. In odd numbered years, Defendant shall have the minor child(ren) the first portion of the summer parenting time, which will begin the first Friday after school ends at 6:00 p.m., and continuing six weeks out, ending on Friday at 6:00 p.m.

If there are no school age children, then summer parenting time shall be defined as beginning the first Friday in June at 6:00 p.m. until the third Friday in August at 6:00 p.m. In even numbered years, Plaintiff shall have the minor child(ren) the first portion of the summer parenting time, which will begin the first Friday after school ends at 6:00 p.m., and continuing six weeks out, ending on Friday at 6:00 p.m. Defendant shall have the minor children(ren) the remaining portion of the summer. In odd numbered years, Defendant shall have the minor child(ren) the first portion of the summer parenting time, which will begin the first Friday after school ends at 6:00 p.m., and continuing six weeks out, ending on Friday at 6:00 p.m.

(No alternating weekend parenting time in the summer by either party).

3. The Plaintiff shall have the minor child(ren) for Thanksgiving in even numbered years, beginning at 6:00 p.m. on Wednesday and ending at 6:00 p.m. on Sunday. The Defendant shall have Thanksgiving in odd numbered years.
4. Christmas school vacation

In even numbered years, the Plaintiff shall have the minor child(ren) the entire Christmas school vacation. In odd numbered years the Defendant shall have the minor child(ren) the entire Christmas school vacation.

Christmas school vacation is defined as 6:00 p.m. the day school recesses until 6:00 p.m. the day before school resumes.

If there are no school-age children, then Christmas break begins on December 20th at 6:00 p.m. and ends on January 1st, at 6:00 p.m.

5. Spring School Break

In odd numbered years, the Plaintiff shall have the minor child(ren) the entire spring school break. In even numbered years the Defendant shall have the minor child(ren) the entire spring school break.

Spring school break is defined as 6:00 p.m. the day school recesses until 6:00 p.m. the day before school resumes.

If there are no school-age children, then Spring break begins on the Saturday before Easter at 6:00 p.m. and ends the Sunday following Easter at 6:00 p.m.

PARENTING REQUIREMENTS

Transportation/Exchanges

1. Transportation is to be provided by the party whose parenting time is beginning under the terms of this Order. The other parent then obtains the minor child(ren) when his/her parenting time begins. The party who will be exercising parenting time shall pick up the minor child(ren) at the other party's residence.
2. Either parent can designate a fully license, insured adult, who is not under the influence of any intoxicant and/or mood-altering substance, to transport the minor child(ren). The child(ren) must be familiar with that adult. Identification can be requested prior to release of the minor child(ren).
3. The parenting time schedule shall be exercised in a prompt manner. In the event of an unforeseen circumstance, a thirty (30) minute delay is allowed for picking up and returning the minor child(ren). If at any time one of the parties will not be exercising his/her parenting time with the minor child(ren), then that party shall give at least 24 hours prior notice to the other party that he/she is unable to exercise parenting time.
4. Car seats must be used, and both parties must provide a car seat, in compliance with State Law.
5. When transporting the minor child(ren) via airlines the rules of the Airline must be followed. The nearest airport must be used to transport minor children for parenting time.

6. A general itinerary and emergency telephone number shall be provided to the other parent if an out-of-town vacation is planned. Out of State vacations not in conflict with parenting time schedule are allowed. This information shall be provided at least one week before the travel.

Appointments/Activities

1. Doctor appointments for the minor child(ren) are to be scheduled during the parenting time of the parent who schedules the appointment.
2. Any medication prescribed by a doctor shall be administered consistent with doctor's orders. The medication in its prescription bottle shall be exchanged by the parents at pick up and drop off for parenting time.
3. A parent, regardless of the custody arrangement, shall not be denied access to records or information concerning his/her child(ren), unless prohibited by a protective order. Records or information include medical, dental, school records, day care provider's records, and notification of meetings regarding the child's education. 1996 PA 304, MCL 722.21; MSA 25.312(1) (SB 598).
4. The parent who has possession of the child pursuant to the Court Order decides what extra curricular activities the child will attend.
5. It is the affirmative responsibility of each parent to see that the minor child's homework is completed in a timely manner.
6. Summer school necessary for the minor child(ren) to pass to the next grade must be attended. Either party must obtain written verification from the school regarding the necessity of summer enrollment.

Denials

1. A denial may take place if there is a Doctor's written directive as to the amount of time or days that the minor child(ren) cannot leave the home of the parent who has the minor child(ren). This written directive must be provided to the other party. Make up parenting time shall occur immediately after the time missed. The duration of make up parenting time shall be the same as the time missed. If a party denies the other party parenting time for any other reason, it is the burden of the party withholding parenting time to prove to the Court that the denial was justified.
2. Parenting time shall not be denied based upon the child(ren) being grounded.
3. Child support and parenting time are separate issues. Parenting time cannot be withheld due to non-payment of support; likewise, the payer of support cannot withhold payment of support due to denial of parenting time.

Protective Orders/Juvenile Court Orders

1. Personal Protection Orders do not invalidate parenting time orders unless specifically addressed in the Personal Protection Order. Exchanges for parenting time must occur in a manner that shall not violate the Personal Protection Order (i.e. 3rd party transporters, alternate exchange location may be necessary). The Personal Protection order supersedes this parenting time schedule.
2. This parenting time schedule is not effective when the Juvenile Court has assumed jurisdiction of a matter pursuant to an abuse and/or neglect petition. The Juvenile Court Order supersedes this parenting time schedule for the life of the Juvenile Court case.

Miscellaneous

1. During the pendency of the divorce cases only, no unrelated significant others (boyfriend/girlfriend) are to be present around the minor child(ren).
2. Unless the Court Order specifically states otherwise, both parents must provide their own clothing for the minor child(ren) during their own custodial time. However, outerwear, such as boots and coats, shall be shared, and returned at the conclusion of each parenting time.
3. The party who is not exercising parenting time shall be allowed one phone contact with the minor child(ren) for each seven consecutive day period. The phone contact shall be no more than ten minutes per child and shall occur between the hours of 6:00 p.m. and 8:00 p.m. Each party must provide the other party with a phone number where he/she can be reached.
4. If there are school-age children and non-school age children then the younger child(ren) follow the parenting time schedule of the child(ren) in school. Kindergarten or Young Fives is the first recognized school grade.
5. Neither party shall speak in a derogatory fashion about the other party, in the presence of the minor child(ren).
6. Only the Orders of the Court can be enforced with respect to parenting time; agreements between the parties cannot be enforced.
7. In the event there is a dispute and the parenting time order does not address the disputed issue(s), the Friend of the Court has authority to determine the following: the distance (mileage) between the parties' homes, what items should be provided by each parent during the child(ren)'s visit, who may pick up and return the child, pursuant to the Court Ordered schedule or whether the child may travel alone, and what child related activities either party cannot engage in during parenting time (such as hair cutting, ear piercing, unauthorized non-emergency medical treatment, etc.). The Friend of the court may also determine when a parenting time schedule begins if the Order is silent.

SAGINAW COUNTY FRIEND OF THE COURT STANDARD PARENTING TIME SCHEDULE 2010

Both parties shall work towards reasonable parenting time during any periods of time which are mutually agreeable to the parties. If an agreement cannot be reached regarding the dates and times for parenting time, then the parties shall be bound by the schedule stated below.

WHEN PARTIES LIVE WITHIN 100 MILES FROM EACH OTHER

1. ☐ In this case, one of the parties has primary physical custody. Therefore the Plaintiff/Defendant (circle one) shall have parenting time with the minor child(ren) on alternating weekends from 6:00 p.m Friday to 6:00 p.m Sunday, beginning the weekend of _____ (date). If a party's weekend falls on Memorial weekend or Labor Day weekend, then the weekend extends to Monday at 6:00 p.m.
☐ In this case, the parties have joint physical custody. Therefore, the parenting time schedule shall be indicated as "exceptions" in the body of the existing Order/Judgment.

(The Holiday/Extended schedule does not change the alternating weekend schedule and it resumes after the conclusion of each Holiday/Extended parenting time. Normally scheduled parenting time according to the Court Order will resume immediately after the holiday concludes).

2. The following holiday schedule takes precedence over any other parenting time schedule:

In odd numbered years, the Plaintiff shall have the minor child(ren) on the following holidays: Thanksgiving and child(ren)'s birthdays. Halloween (if age 12 and under only).

In even numbered years, the Defendant shall have the minor child(ren) on the following holidays: Thanksgiving and child(ren)'s birthdays. Halloween (if age 12 and under only).

Hours for holidays are as follows:

*Thanksgiving – 6:00 p.m. on Wednesday (the day before the holiday) until 6:00 p.m. on the Sunday following Thanksgiving.

*Halloween – 4:00 p.m. until 8:00 p.m. (if age 12 and under only).

*Mother's Day – each year, the Mother shall have the minor child(ren) on Mother's Day from 9:00 a.m. until 8:00 p.m.

*Father's Day - each year, the Father shall have the minor child(ren) on Father's Day from 9:00 a.m. until 8:00 p.m.

*Children's birthdays – Birthday times in the summer and on weekends shall be from 9:00 a.m. until 8:00 p.m. and during the school year, from 5:30 p.m. until 8:00 p.m. and include all the children on each child's birthday. If a child's birthday falls on a holiday (designated above), the holiday takes precedence over the birthday.

3. Periods of Extended Parenting Time

A. Summer

Summer parenting time shall be rotated week on week off starting the first Friday after school ends at 6:00 p.m. until the third Friday in August at 6:00 p.m. If there are no school age children, then summer parenting time starts the first Friday in June and ends the third Friday in August. Plaintiff shall have the minor child(ren) first in even years and the Defendant shall have the child(ren) first in odd years.

(no alternating weekend parenting time in the summer time by either party)

B. Christmas School Vacation

In odd numbered years, the Defendant shall have the minor child(ren) the first portion of the Christmas school vacation for six overnights and the Plaintiff shall have the minor child(ren) the remaining portion. In even numbered years, the Plaintiff shall have the minor child(ren) the first portion of the Christmas school vacation for six overnights and the Defendant shall have the remaining portion.

Christmas school vacation is defined as 6:00 p.m. the day school recesses until 6:00 p.m. the day before school resumes. The weekend schedule is suspended during this vacation.

If there are no school-age children, then Christmas break begins on December 20th at 6:00 p.m. and ends on January 1st, at 6:00 p.m. However, if any of the children are in school, all of the children shall go as per the time allotted for the school break.

C. Spring School Break

In even numbered years, the Defendant shall have the minor child(ren) the entire spring school break. In odd numbered years, the Plaintiff shall have the minor child(ren) the entire spring school break.

Spring school break is defined as 6:00 p.m. the day school recesses until 6:00 p.m. the day before school resumes. The weekend schedule is suspended during this vacation.

STATE OF MICHIGAN

IN THE TENTH JUDICIAL CIRCUIT- FAMILY DIVISION

CALICE, MELISSA JAYNE,

Plaintiff,

v

CALICE, RICHARD ANTHONY JR
Defendant,

File No. 12 017215 DZ 1

CERTIFICATE OF SERVICE

On the 16 day of November, 2012, I served a copy of the Findings and Order Re: Custody, parenting Time, Child Support and Credit, and Divorce Adjustment Programs on the parties or their counsel, by placing same in an envelope bearing the addresses:

CALICE, MELISSA JAYNE 62 CORRAL SAGINAW, MI 48638

MCLEOD, TIMOTHY R. 820 N MICHIGAN AVE PO BOX 6055 SAGINAW, MI 48608 6055

CALICE, RICHARD ANTHONY JR 43 WINTERBERRY COURT HUNT VALLEY, MD 21030

DEMETRIOU, THOMAS J. 4805 TOWNE CENTRE RD STE 101 SAGINAW, MI 48604 2831

BURKHART, THOMAS D. 820 N MICHIGAN AVE PO BOX 6055 SAGINAW, MI 48608 6055

With proper postage thereon and then depositing each envelope in the United States Mail.


Patricia A. Becker
Administrative Assistant

TRUE COPY
Suzanne Kaltenbach, Clerk